UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Thomas P. Jacobus, General Manager
Washington Aqueduct
U.S. Army Corps of Engineers, Baltimore District
5900 MacArthur Boulevard, N.W.
Washington, D.C. 20016-2514

Dear Mr. Jacobus:

The United States Environmental Protection Agency, Region III ("EPA") has received the Washington Aqueduct's written request dated September 28, 2012 for authorization of an anticipated bypass pursuant to Part II, Section B, Paragraph 3 of the Washington Aqueduct's National Pollutant Discharge Elimination System permit No. DC0000019 ("NPDES Permit") from Outfalls 003 and 004.

The NPDES Permit imposes certain effluent limitations and timing restrictions on discharges from the Washington Aqueduct's sedimentation basins to the Potomac River. Among these, the Corps may not discharge river sediment residuals through Outfalls 003 and 004 following completion of construction of the Residuals Processing Facility. NPDES Permit Part III, Section B, Paragraph 2.

The NPDES Permit contains the standard upset and bypass conditions set forth at 40 C.F.R. 122.41(m) and (n). A bypass is defined as "an intentional diversion of waste streams from any portion of a treatment facility." NPDES Permit Part II, Section B, Paragraph 3.

The Washington Aqueduct has requested authorization of an anticipated bypass pursuant to this provision based upon the following representations: In the course of completing construction of the Residuals Processing Facility and related appurtenances, the Washington Aqueduct encountered a significant delay. Specifically, the Washington Aqueduct encountered a sudden and catastrophic malfunction of the dredge cabling and winch system. The tension cable snapped and likely would have presented significant danger had any persons been nearby. Because of the potential danger to persons that could arise from a repeat incident, the Washington Aqueduct locked down the system and conducted an investigation of the cause. This resulted in the redesign of several safety mechanisms. These mechanisms are not "off the shelf," and they had to be designed, constructed, received and installed, thereby causing a lengthy delay. During this delay, residuals continued to accumulate in Georgetown Basin # 2 for over one year. The Washington Aqueduct has determined that the older organic material collecting in the basin has begun to decay, which may have a deleterious effect on the Washington Aqueduct's primary function of providing drinking water to its customers. Because the Residuals Processing Facility is designed to operate on a continuous feed and is not designed to handle a large "slug" of residuals, it would take approximately nine months to remove the accumulated residuals, during which time the decay would continue.